

REMARKS

Claims 1-16 are pending and rejected. No claims are changed, or cancelled, or new with this Amendment, therefore, no Listing of Claims is included with this paper.

Applicants appreciate the Examiner's clarification in a telephone conference on July 24th, 2003, that the §102(b) rejection of claims 1-5 is withdrawn.

CLAIM REJECTION UNDER 35 U.S.C. §103

Claims 1-16 are rejected under 35 U.S.C. §103(a) as obvious over Chiba in view of Ashurst.

Applicants respectfully disagree and, in support, attach a Declaration by Christophe Galopin, one of the inventors. The Declaration states that the use of mercaptans as flavor or fragrance compositions cannot be predicted by the presence of a -SH group. The Declaration also states that this unpredictability further is due to the interactions among the molecules in the composition. Thus, Chiba's disclosure of the compound, in view of Ashurst's disclosure that sulfur-containing compounds (Ashurst does not disclose mercapto alkanolic acid esters) can give rise to flavors, does not render the invention obvious.

Applicants appreciate the Examiner's indication in the telephone conference of July 24th, 2003, that this Declaration would be considered.

CONCLUSION

For the above reasons, applicant believes the claims are in condition for allowance. Applicant does not believe any fees are due with this submission.

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However, should any additional fees or surcharges be deemed necessary, the Examiner has authorization to charge fees or credit any overpayment to Deposit Account No. 23-3000.

The Examiner is invited to contact the undersigned attorney if there are any questions or issues.

Respectfully submitted,

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